

1 Richard A. Harpootlian, *pro hac vice*
2 *rah@harpootlianlaw.com*
3 Phillip Barber, *pro hac vice*
4 *pdb@harpootlianlaw.com*
5 RICHARD A. HARPOOTLIAN, PA
1410 Laurel Street
Columbia, South Carolina 29201
Telephone: (803) 252-4848
Facsimile: (803) 252-4810

6 BRYAN M. SULLIVAN (SBN 209743)
7 *bsullivan@earlysullivan.com*
8 ZACHARY C. HANSEN (SBN 325128)
9 *zhansen@earlysullivan.com*
EARLY SULLIVAN WRIGHT GIZER & McRAE LLP
6420 Wilshire Boulevard, 17th Fl.
Los Angeles, California 90048
Telephone: (323) 301-4660
Facsimile: (323) 301-4676

11 Attorneys for PLAINTIFF
12 ROBERT HUNTER BIDEN

13 **UNITED STATES DISTRICT COURT**
14 **CENTRAL DISTRICT OF CALIFORNIA**
15 **WESTERN DIVISION**

16 ROBERT HUNTER BIDEN, an
17 individual,

18 Plaintiff,

19 vs.

20 PATRICK M. BYRNE, an individual,

21 Defendant.

Case No. 2:23-cv-09430-SVW-PD

Hon. Stephen V. Wilson

**PLAINTIFF ROBERT HUNTER
BIDEN'S EX PARTE APPLICATION
FOR A CLARIFICATION AND/OR
MODIFICATION OF COURT'S
JULY 30, 2025 ORDER;
DECLARATION OF ZACHARY C.
HANSEN**

*[Proposed] Order filed and served
concurrently herewith]*

24 Complaint Filed: November 8, 2023
25 Trial Date: October 14, 2025

1 **PLEASE TAKE NOTICE** that Plaintiff Robert Hunter Biden (“Plaintiff”), by
2 and through his attorneys of record, hereby applies *Ex Parte* to this Court for an order
3 clarifying and/or modifying the Court’s July 30, 2025, Order Continuing the Trial Date
4 and Permitting Plaintiff to conduct financial condition discovery (the “Order”).
5 Plaintiff respectfully requests that this *Ex Parte* Application be resolved on the papers,
6 without oral argument, pursuant to the Court’s Standing Order, in Courtroom 10A
7 before the Honorable District Court Judge Wilson. This application is being made on
8 the basis that good cause exists to clarify and/or modify the Order because, as of now,
9 Defendant Patrick M. Byrne (“Defendant”) has fired all of his attorneys and various
10 actions need to be taken before the current October 14, 2025, trial date (the fourth trial
11 date that has been set in this matter), including the service of written discovery on
12 Defendant and scheduling of Defendant’s fourth day of deposition that the Court
13 permitted Plaintiff to conduct between now and the October 14, 2025, trial date. So,
14 time is of the essence and the Court has made clear at the July 30, 2025, hearing that it
15 does not want any further delays in this case. Accordingly, Plaintiff requests the
16 following:

17 1. Service of Documents on Defendant: Plaintiff requests that the Court not
18 relieve Michael Murphy, Esq., as counsel of record for Defendant until
19 substitute counsel appears for Defendant, in order that Plaintiff may serve
20 documents on Defendant through Mr. Murphy. In the alternative, Plaintiff
21 requests that Defendant provide an email address for electronic services or
22 an address for mail or overnight delivery service for service of documents
23 prior to permitting Mr. Murphy to withdraw.

24 2. Timing to Respond to Written Discovery: Plaintiff requests that the Court
25 order a shortening of the response time to Plaintiff’s written set of
26 document requests from thirty (30) days to twenty (20) days.

27 3. Scheduling of Defendant’s Fourth Day of Deposition: Plaintiff requests
28 that the Court order that Defendant’s deposition occur within ten (10) days

1 of Defendant providing substantive responses to Plaintiff's written
2 discovery.

3 4. Ex Parte Application To Enforce Court Orders: Plaintiff requests that the
4 Court permit the Parties to seek enforcement of its orders through *ex parte*
5 applications rather than noticed motions given the temporal limitations set
6 forth herein.

7 All of the foregoing requests will ensure an orderly and expeditious conduct of
8 this matter and to minimize the risk of any further delays, which Plaintiff in particular,
9 wants to avoid considering Plaintiff and his counsel were fully prepared to commence
10 trial on July 29, 2025, as scheduled by the Court on March 17, 2025, and Defendant has
11 engaged in repeated conduct to delay these proceedings as set forth in more detail in
12 ECF Nos. 151 and 296.

13 Plaintiff's counsel has provided Notice of this *ex parte* application to Defendant
14 through Mr. Murphy, as no formal order has yet been entered relieving him as counsel
15 of record. (See Declaration of Zachary C. Hansen, at ¶2, Ex. A.)

16 Dated: August 1, 2025

17 EARLY SULLIVAN WRIGHT
18 GIZER & MCRAE LLP

19 By: /s/ Zachary C. Hansen

20 BRYAN M. SULLIVAN (State Bar No.
21 209743)
bsullivan@earlysullivan.com
22 ZACHARY C. HANSEN (State Bar No.
325128)
zhansen@earlysullivan.com
23 EARLY SULLIVAN WRIGHT GIZER
& MCRAE LLP
24 6420 Wilshire Boulevard, 17th Fl.
25 Los Angeles, California 90048
26 Telephone: (323) 301-4660
Facsimile: (323) 301-4676

27 Richard A. Harpootlian, *pro hac vice*
rah@harpootlianlaw.com
28 Phillip Barber, *pro hac vice*

1 *pdb@harpootlianlaw.com*
2 RICHARD A. HARPOOTLIAN, PA
3 1410 Laurel Street
4 Columbia, South Carolina 29201
Telephone: (803) 252-4848
Facsimile: (803) 252-4810

5 *Attorneys for Plaintiff*
6 *Robert Hunter Biden*

7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 Following what the Court itself described as a “circus” relating to Defendant
3 Patrick Byrne’s (“Defendant”) attorney shell game on July 29, 2025, the Court ordered
4 on July 30, 2025, that the trial date be continued to October 14, 2025, and that Plaintiff
5 Robert Hunter Biden (“Plaintiff”) be permitted to conduct discovery into Defendant’s
6 financial condition through written discovery and a fourth day of deposition of
7 Defendant. However, because of the unique issues relating to this situation, Plaintiff
8 brings this *ex parte* application (the “Application”) to request certain clarifications or
9 modifications of the Order.

10 First, as of now, Defendant has fired all his attorneys, but the Court has not
11 permitted him to appear *pro se* and has not ordered the withdrawal of Michael Murphy,
12 Esq., Defendant’s counsel since March of 2024. Such Court orders are required by
13 Local Civil Rules 83-2.3.1 and 83-2.3.2, which preclude a party who has appeared by
14 an attorney to proceed *pro se* or to permit an attorney to withdraw as counsel without a
15 court order. So, Plaintiff requests the following order clarifying the Order to ensure that
16 Defendant is served with Court filings and the discovery the Court has permitted
17 Plaintiff to conduct between now and the October 14, 2025, trial: order that Mr. Murphy
18 may not withdraw as counsel of record for Defendant until (i) substitute counsel appears
19 for Defendant, or (ii) Defendant provides an email address for electronic services of
20 Court documents and discovery requests.

21 Second, various actions need to be taken before the current October 14, 2025,
22 trial date (the fourth trial date that has been set in this matter), including additional
23 discovery and time is of the essence as the Court has made clear at the July 30, 2025,
24 hearing that it does not want any further delays in this case. To ensure that discovery is
25 completed in that time period, Plaintiff requests that the Court order a shortening of the
26 response time to Plaintiff’s written discovery requests from thirty (30) days to twenty
27 (20) days and that Defendant’s deposition occur within ten (10) days of Defendant
28 providing substantive responses to Plaintiff’s written discovery.

1 Finally, Plaintiff requests that the Court permit the Parties to seek enforcement
2 of its orders and discovery requests through *ex parte* applications rather than noticed
3 motions. This is because time is of the essence and a 28-day notice period for noticed
4 motions would cause significant delay that could impact the October 14, 2025, trial
5 date.

6 In *U.S. v. W.R. Grace*, 526 F.3d 499, 509 (9th Cir. 2008), the Ninth Circuit stated:
7 There is a “well established” principle that
8 “[d]istrict courts have inherent power to control their dockets.” *Atchison, Topeka & Santa Fe Ry. Co. v. Hercules Inc.*, 146 F.3d 1071, 1074 (9th Cir.1998) (alteration in original) (internal quotation marks omitted). Further, “judges exercise substantial discretion over what happens *inside* the courtroom.” *United States v. Simpson*, 927 F.2d 1088, 1091 (9th Cir.1991). We have accepted that “ ‘[a]ll federal courts are vested with inherent powers enabling them to manage their cases and courtrooms effectively and to ensure obedience to their orders.’ ” *Aloe Vera of Am., Inc. v. United States*, 376 F.3d 960, 964–65 (9th Cir.2004) (per curiam) (quoting *F.J. Hanshaw Enters., Inc. v. Emerald River Dev., Inc.*, 244 F.3d 1128, 1136 (9th Cir.2001)).

15 See *Landis v. N. Am. Co.*, 299 U.S. 248, 254, 57 S.Ct. 163, (1936) (holding
16 “the power to stay proceedings is incidental to the power inherent in
17 every court to control the disposition of the causes on its docket with economy of time
18 and effort for itself, for counsel, and for litigants.”); *Ready Transp., Inc. v. AAR Mfg., Inc.*, 627 F.3d 402, 404 (9th Cir. 2010) (A federal district court’s inherent powers are
20 the mechanisms “necessarily vested in courts to manage their own affairs as so to
21 achieve the orderly and expeditious disposition of cases”).

22 The foregoing requests will ensure an orderly and expeditious conduct of this
23 matter and minimize the risk of any further delays, which Plaintiff in particular wants
24 to avoid considering Plaintiff and his counsel were fully prepared to commence trial on
25 July 29, 2025, as scheduled by the Court on March 17, 2025. More concerningly,
26 Defendant has engaged in repeated conduct to delay trial of these proceedings as set
27 forth in more detail in ECF Nos. 151 and 296, and these requested clarifications and
28

1 modifications will help address any potential issues.

2 For the foregoing reasons, the Court should grant the following relief:

3 1. Order that Mr. Murphy may not withdraw as counsel of record for
4 Defendant before substitute counsel appears for Defendant, or, in the
5 alternative, before Defendant provides an email address for electronic
6 services or an address for mail or overnight delivery service to permit
7 Plaintiff to serve documents.

8 2. Order a shortening of the response time to Plaintiff's written set of
9 document requests from thirty (30) days to twenty (20) days.

10 3. Order that Defendant's deposition occur within ten (10) days of providing
11 substantive responses to Plaintiff's written discovery.

12 4. Permit the Parties to seek enforcement of its orders through *ex parte*
13 applications rather than noticed motions.

14
15 Dated: August 1, 2025

EARLY SULLIVAN WRIGHT
GIZER & MCRAE LLP

16
17 By: /s/ Zachary C. Hansen

18 BRYAN M. SULLIVAN (State Bar No.
19 209743)
bsullivan@earlysullivan.com
20 ZACHARY C. HANSEN (State Bar No.
325128)
zhansen@earlysullivan.com
21 EARLY SULLIVAN WRIGHT GIZER
& MCRAE LLP
22 6420 Wilshire Boulevard, 17th Fl.
23 Los Angeles, California 90048
Telephone: (323) 301-4660
24 Facsimile: (323) 301-4676

25 Richard A. Harpootlian, *pro hac vice*
rah@harpootlianlaw.com
26 Phillip Barber, *pro hac vice*
pdb@harpootlianlaw.com
27 RICHARD A. HARPOOTLIAN, PA
1410 Laurel Street
28 Columbia, South Carolina 29201

1 Telephone: (803) 252-4848
2 Facsimile: (803) 252-4810

3 *Attorneys for Plaintiff*
4 *Robert Hunter Biden*

5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

DECLARATION OF ZACHARY C. HANSEN

I, Zachary C. Hansen, declare and state as follows:

1. I am an Attorney within the law firm of Early Sullivan Wright Gizer & McRae LLP, attorneys of record for Plaintiff Robert Hunter Biden (“Plaintiff”) herein. I submit this declaration in support of Plaintiff’s *Ex Parte* Application for a Clarification and/or Modification of Court’s July 30, 2025 Order. If called as a witness, I would and could testify to the matters contained herein.

2. I provided Notice of this *ex parte* application to Mr. Michael Murphy, Esq. via email, as required by the Central District of California Local Rules and the Court's New Case Order (ECF. No. 14). Attached hereto as **Exhibit "A"** is a true and correct copy of that notice email. As of the filing of this *ex parte* application, Mr. Murphy has not indicated whether he intends to oppose this application.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on this 1st day of August, 2025, at Summit, New Jersey.

/s/ Zachary C. Hansen
Zachary C. Hansen